

Milbank

JED M. SCHWARTZ

Partner

55 Hudson Yards | New York, NY 10001-2163

T: +1 (212) 530-5283

JSchwartz@milbank.com | milbank.com

November 17, 2023

VIA ECF

Hon. Paul A. Engelmayer
United States District Judge
United States District Court
Southern District of New York
40 Foley Square, Courtroom 1305
New York, New York 10007

Re: *Carlyle Aviation Management Limited, et al. v. Frontier Airlines, Inc.*, No. 1:23-cv-04774 (PAE) (S.D.N.Y.) [rel. No. 1:22-cv-02943 (PAE)]

Dear Judge Engelmayer:

We are the attorneys for Plaintiffs in the above-captioned action. Pursuant to Your Honor's Individual Practices Rule 1.E., we write to request that the Court approve a three month extension of the deadline to complete fact discovery, from December 22, 2023 to March 22, 2024. Counsel for Plaintiffs met and conferred with counsel for Defendant Frontier Airlines, Inc.'s ("Frontier" or "Defendant"). Defendant consents to this request. This is the parties' first request for an extension of the deadlines set forth in the Civil Case Management Plan and Scheduling Order, entered on July 27, 2023 (ECF No. 21) (the "Case Management Plan"). A Revised Civil Case Management Plan and Scheduling Order is attached hereto as **Exhibit A**.¹

There is good cause to grant the requested extension. The parties served their requests for production of documents promptly, pursuant to the Case Management Plan. The parties have met and conferred with respect to their responses to the requests for production. Plaintiffs filed a letter with the Court on November 10 regarding Defendant's responses, and Frontier filed its letter in response on November 15. Defendant has also requested a meet and confer regarding Plaintiffs' responses to Defendant's requests for production, which the parties intend to schedule shortly. In addition, Plaintiffs collection and review of documents has required more time than initially anticipated. Moreover, the deadline for the parties to serve interrogatories and requests for admission is this Friday, November 17. It would be difficult for the parties to engage meaningfully

¹ The parties in the related action, No. 22-cv-02943 (PAE), plan to file a request seeking revisions to the discovery schedule that correspond to any schedule approved by the Court in this action.

in that discovery without the benefit of having received document productions from the opposing parties.²

In light of the foregoing, counsel for the parties believe that there is good cause to extend the current case management deadlines in this case. The parties agree that the requested extension will not unduly delay this case nor operate as a prejudice against any of the parties.

Set forth in the chart below are the current case management deadlines, pursuant to the Civil Case Management Plan and Scheduling Order entered on July 27, 2023, and counsel's jointly-proposed revised deadlines:

<u>Event</u>	<u>Current Deadline</u>	<u>Revised Deadline</u>
Fact Discovery Cut-Off	December 22, 2023	March 22, 2024
Interrogatories to be Served By	November 17, 2023	February 21, 2024
Requests to Admit to be Served By	November 17, 2023	February 21, 2024
Fact Depositions to be Completed By	December 22, 2023	March 22, 2024
Expert Discovery Cut-Off	March 1, 2024	June 5, 2024

We thank the Court for its attention to this matter and are available at the Court's convenience if it has any questions regarding this joint request.

Respectfully submitted,

/s/ Jed M. Schwartz

Jed M. Schwartz

cc: All Counsel of record (via ECF)
Jeff Butler, Esq. (via email)

² Additionally, pursuant to Paragraph 7(b) of the Case Management Plan, the parties are required to meet and confer on a schedule for expert disclosures no later than November 22, 2023. Such discussions would benefit from the parties having received document productions in advance.